

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

CR 16-10033

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

KIMO LITTLE BIRD,

Defendant.

The Defendant states that the following facts are true, and the parties agree that they establish a factual basis for the offense(s) to which the Defendant is pleading guilty pursuant to Fed. R. Crim. P. 11(b)(3).

On or about between the 1st day of July, 2016, and August 11th, 2016, at Eagle Butte, in the District of South Dakota, Kimo Little Bird, a person required to register under the Sex Offender Registration and Notification Act, and a sex offender by reason of a conviction under federal law, having registered an address in Little Eagle, South Dakota, did knowingly fail to register and update his registration as required by law, in violation of 18 U.S.C. § 2250(a).

On September 18, 2006, Kimo Little Bird, the Defendant, was sentenced by US District Court Judge Charles B. Kornmann to 24 months of custody, followed by three years of supervised release, following the Defendant's plea of guilty to Sexual Abuse of a Minor. As a result of this conviction the Defendant is classified as a Tier II sex offender and must register for the next 25 years. The

Defendant is also required to update his registration within three business days of a change in residence, employment, and student status. The Defendant has signed multiple acknowledgements of understanding his registration obligations and has previously plead guilty to failure to register in federal court.

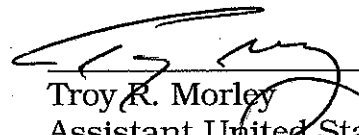
On June 3, 2016, the Defendant began a term of supervised release following a custody sentence for a 2013 federal felon in possession of a firearm conviction. At the time of his release, the Defendant registered his address as a residence in Little Eagle, South Dakota. In late July of 2016 a petition to revoke the Defendant's supervised release was filed. On August 11, 2016, US Marshalls attempted to locate the Defendant at his registered address.

Upon arriving at the address, law enforcement made contact with a resident of the household, who informed them the Defendant did not reside at that address and had not for "some time". In fact, the Defendant was residing in Eagle Butte, South Dakota, with his girlfriend. Law enforcement was able to obtain the address to the residence in Eagle Butte, South Dakota, where the Defendant was in fact residing.

On August 12, 2016, law enforcement went to the residence in Eagle Butte and interviewed the residents of the house. The residents confirmed that the Defendant had been staying at the residence and had been for about a month and a half. At no time did Little Bird register this address in Eagle Butte, South Dakota.

RANDOLPH J. SEILER
United States Attorney


10/16/16
Date


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10/18/16
Date


Kimmo Little Bird
Defendant

10/18/16
Date


Edward G. Albright
Attorney for Defendant